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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,842	11/30/2000	Francis James Canova JR.	PALM-3520 . US . P	3911

7590 09/05/2003
WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, CA 95113

EXAMINER

ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,842

Applicant(s)

FRANCIS CANOVA

Examiner

Abbas I Abdulsalam

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 06/30/03 have been fully considered but they are not persuasive.

Applicant argues in view of amended claims that the cited references, Thessin et al. (USPN 5452299) and Flagg do not teach "a plurality of flexible layers of material coupled along an edge in a stack, wherein along another edge of the stack layers are separable from each other". However, Flagg teaches a mouse including several layers (100, 102, 104) whose movement through depression creates signals on the cable enabling the execution of the desired program. Flagg teaches a layer (104) forming a barrier between a layer (102) and a layer (108) and a result keeping region (103) sufficiently separated from a conductive pad (106). Flagg further adds that the layer (104) can be bonded adhesively attached or glued to the layer (102). Flagg also teaches that a barrier between the layers (102, 108) can be created by variety of configurations in any amount space or separation. See Fig. 2 and col. 6, lines 36-67. It would have been obvious that a barrier formation by a layer (104) in any configurations equivalently provide the desired separable stack of layers. Applicant argues that the references do not teach the use of portable computer system with all the elements contained in a housing. However, Thessin teaches the use of IBM compatible type PC including a variety of microprocessors. See col. 5, lines 55-60. It would have been obvious that the manufactured microprocessor can be utilized in a portable and compact manner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thessin et al. (USPN 5452299) in view Flagg (USPN 6445378).

Regarding claims 1, 11 and 21, Thessin teaches an “agent” including a display (121), a processor (102), a bus (101) as well as a user interface display of a single agent. See Fig 1B & 4. Thessin however, does not disclose a user interface with flexible layers such that the movement of one or more of the layers causes the display to change. Flagg on the other hand teaches a flexible mouse pad (56) including button pads (58, 60, 62, 64). Flagg teaches that the mouse pad includes several layers (100,102, 104) whose movement through depression creates signals on the cable enabling the execution of the desired program. See Fig 1, Fig 2, col. 5, lines 13-19, 65-67 and col. 6, lines 1-28.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Thessin’s input device (122) to adapt Flagg’s flexible mouse pad including all the layers. One would have been motivated in view of the suggestion in Flagg that the layers in the mouse pad as configured in Fig 2 along with their movements serve the same purpose as the desired user interface with flexible layers. The use of Flagg’s mouse pad helps avoid hindrance and limitations on the movement of a computer mouse on a mouse pad.

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Regarding claim 21, in addition to what has been discussed above, Thessin teaches the use of IBM compatible type PC including a variety of microprocessors such as Pentium TM and others. See col. 5, lines 55-60 and Fig. 1B. It would have been obvious that a variety of microprocessors can include a portable and compact one.

Regarding claims 2-5, 7, 12-15, 17, 22-25 and 27, Flagg teaches a mouse pad (56) including several layers comprised of plastic rubber or other materials that is preferably flexible, durable and resistant to wear. See col. 5, lines 13-19. Flagg also teaches layers on the mouse pad (56) can be flexible that can be rolled up, curve and twisted without breaking. See col. 11, lines 59-67 and col. 12, lines 1-9.

Regarding claims 6, 8, 16, 18, 26 and 28, Flagg teaches the use of layers (100, 102, 104) whose movement through depression creates signals on the cable enabling the execution of the desired program. See col. 5, lines 13-19, 65-67 and col. 6, lines 1-28. It would have been obvious to one having skill in the art that the program to be executed can be a display change in any desired fashion.

Regarding claims 9-10, 19-20, see Thessin's Fig 1B (100, 125, 121).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulsalam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

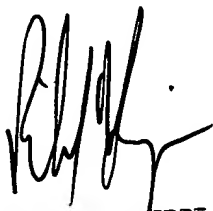
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.

Abbas Abdulsalam

Examiner

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September 2, 2003


RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600